

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AR PILLOW INC., et al.,

Plaintiffs,

v.

ANNETTE COTTRELL,

Defendant.

CASE NO. C11-1962 RAJ

ORDER GRANTING MOTION  
TO WITHDRAW AND MOTION  
FOR EXTENSION OF TIME

This matter comes before the court on counsel for plaintiffs AR Pillow, Inc.'s and Elizabeth Goutevenier's motion to withdraw as counsel and motion for extension of time. Dkt. # 64. Ms. Goutevenier and new counsel for plaintiffs (who have not yet appeared) have also filed letters requesting an extension of time to respond to defendants' Rule 37 motion. Dkt. # 67, # 69. New counsel also requests additional time to respond to defendants' motion for attorney's fees, to file a reply in support of plaintiffs' motion for attorney's fees, and to file a motion for summary judgment. Dkt. # 69.

With respect to the motion to withdraw as counsel, defendants object to allowing withdrawal because plaintiffs do not meet "GR2 (g)" requirements. This District revised the local rules on December 1, 2012, and the "General Rules" are no longer in force. Rather, Local Civil Rule ("LCR") 83.1(b) governs withdrawal. Although counsel for

1 plaintiffs, Eric Helmy, cites to his declaration, no declaration was filed in connection with  
2 the motion to withdraw. Nevertheless, Mr. Helmy represents that plaintiffs directed Mr.  
3 Helmy and his firm to withdraw as counsel. Additionally, plaintiffs have filed a letter  
4 requesting an extension of time in which Ms. Goutevenier refers to the motion filed by  
5 Mr. Helmy, emphasizes the “irreconcilable conflict” and explains that she “did not fully  
6 come to understand the implications of the conflict of interest between [herself] and Mr.  
7 Helmy until this past weekend.” Dkt. # 67. Given that plaintiffs directed Mr. Helmy to  
8 withdraw, Ms. Goutevenier herself has requested withdrawal, and she specifically refers  
9 to the motion filed, the court finds that she had notice of the motion, and withdrawal of  
10 counsel is appropriate. For all the foregoing reasons, the court GRANTS Mr. Helmy’s  
11 motion to withdraw as counsel, and Mr. Helmy and his firm are DISCHARGED as  
12 counsel for plaintiffs. Mr. Helmy is DIRECTED to make the transition to new counsel as  
13 easy as possible by, among other things, transferring files, records, etc. in an expeditious  
14 manner.

15 With respect to the motion for extension of time, the court finds good cause to  
16 grant the extension given the timing of the court’s order granting defendant’s special  
17 motion to strike (December 4), Ms. Goutevenier’s apparent discovery of the  
18 irreconcilable conflict with her attorney (weekend prior to December 11), the date her  
19 response to the Rule 37 motion was due (December 10), and new counsel’s apparent  
20 engagement (within a few days of December 19). For all the foregoing reasons, the court  
21 GRANTS plaintiffs’ motion for extension of time as follows:

22 1. Given the court’s heavy docket and trial schedule, the court will set trial for  
23 August 19, 2013.

24 2. New counsel shall enter an appearance no later than January 15, 2013.

25 3. Plaintiffs’ response to defendants’ Rule 37 motion is due January 28, 2013.

26 Defendants’ reply is due February 1, 2013. The Clerk is DIRECTED to renote

27 defendants’ Rule 37 motion for February 1, 2013. Dkt. # 54.

1           4. Plaintiffs may file their reply in support of their motion to compel no later  
2 than January 28, 2013. Defendants may respond to plaintiffs' reply, and will  
3 specifically reference this order if they choose to do so no later than February 1, 2013.  
4 The Clerk is DIRECTED to renote the motion to compel for February 1, 2013. Dkt. #  
5 56.

6           5. Plaintiffs may respond to defendants' motion for attorney's fees no later  
7 than January 28, 2013. Defendants may reply no later than February 1, 2013. The Clerk  
8 is DIRECTED to renote defendants' motion for attorney's fees for February 1, 2013.  
9 Dkt. # 65.

10           6. The new deadline for dispositive motions shall be May 30, 2013. The  
11 Clerk is DIRECTED to TERMINATE defendants' motion for summary judgment. Dkt.  
12 # 68. Defendants may refile the motion for summary judgment consistent with this  
13 order.

14           7. The Clerk is DIRECTED to TERMINATE the motions for extension of  
15 time. Dkt. # 64, # 67.

16           8. The Clerk is DIRECTED to enter an amended case schedule consistent  
17 with this order.

18           Dated this 27<sup>th</sup> day of December, 2012.

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21 The Honorable Richard A. Jones  
22 United States District Judge  
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